

IN RE: PETITIONS FOR VARIANCE - SW/S * BEFORE THE
 Smithwood Avenue, 260' & 280' SE
 of the c/l Edmondson Avenue * DEPUTY ZONING COMMISSIONER
 (118 and 118-A Smithwood Avenue)
 1st Election District * OF BALTIMORE COUNTY
 1st Councilmanic District * Case Nos. 96-358-A & 96-359-A
 Timothy Moylan
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 118 and 118-A Smithwood Avenue, located in the vicinity of Edmondson Avenue in Catonsville. The Petitions were filed by the owner of the property, Timothy Moylan, through his attorney, Keith Truffer, Esquire. In both cases, the Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), the development standards for small lots, for two existing dwellings. The subject property and the relief requested are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Timothy Moylan, property owner, Bruce E. Doak, Professional Engineer who prepared the site plans in this matter, and Keith R. Truffer, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the property known as 118 Smithwood Avenue contains a gross area of 0.513 acres, more or less, split-zoned D.R. 3.5 and D.R.2, and is improved with two single family dwellings which have existed on the property since prior to the effective date of the zoning regulations. The Petitioner is presently going through the minor subdivision process to create two separate lots,

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

each with its own dwelling. However, due to the small size of the lots that will be created as a result of the proposed subdivision, the requested variances are necessary in order to legitimize existing conditions.

More specifically, in Case No. 96-358-A, proposed Lot 1 consists of 0.158 acres, or 6,863 sq.ft., predominantly zoned D.R. 3.5. The minimum lot size requirements for D.R. 3.5 zoned land is 10,000 sq.ft. Due to the size of the lot and the location of the existing dwelling thereon, the requested variances from minimum lot width, area and setback requirements are necessary. In Case No. 96-358-A, proposed Lot 2 consists of 0.355 acres, or 15,465 sq.ft., predominantly zoned D.R. 2. The minimum lot size requirements for D.R. 2 zoned land is 20,000 sq.ft. Again, due to the size of the lot and the location of the existing dwelling thereon, the requested variances are necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested variances. Testimony established that the subject property has been improved with two single family dwellings since prior to the effective date of the zoning regulations prohibiting more than one dwelling on a lot. Thus, strict compliance with the zoning regulations would result in a practical difficulty or unreasonable hardship for the Petitioner. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

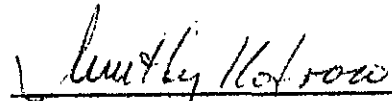
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of May, 1996 that the Petition for Variance in Case No. 96-358-A, seeking relief from Section 1B02.3.C.1 to permit a lot size of 6,863 sq.ft. in lieu of the required 10,000 sq.ft., a lot width of 49.92 feet in lieu of the required 70 feet, side yard setbacks of 7 feet and 8 feet in lieu of the required 10 feet and 15 feet, respectively, and a sum of the side yard setbacks of 15 feet in lieu of the required 25 feet, for the dwelling known as 118 Smithwood Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 96-359-A, seeking relief from Section 1B02.3.C.1 to permit a lot size of 15,465 sq.ft. in lieu of the required 20,000 sq.ft., a lot width of 69.88 feet in lieu of the required 100 feet, a front yard setback of 20 feet in lieu of the required 40 feet, and a side yard setback of 4 feet in lieu of

ORDER RECEIVED FOR FILING
Date 5/1/96
By [Signature]

the required 15 feet, for the dwelling known as 118-A Smithwood Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

118 SMITHWOOD AVENUE

96-359-A

which is presently zoned DR2 & DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B02.3.C.1 Development Standards for small lots (see attached)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

There are two existing dwellings on the site which need to be subdivided to meet current zoning regulations (only one dwelling is permitted on a lot) in a DR zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

KEITH R. TRUFFER

(Type or Print Name)

Signature

SUITE 600

102 W. PENNSYLVANIA AVENUE 823-1800

Address

Phone No.

TOWSON

MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

(Type or Print Name)

Signature

TIMOTHY MOYLAN

(Type or Print Name)

Signature

2123 WESTCHESTER AVENUE

Address

Phone No.

BALTIMORE

MARYLAND

21228

City

State

Zipcode

Name, Address and phone number or representative to be contacted

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE 3-20-96



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

Zoning Administration

Development Management

357

Moylan Property - 118 Smithwood Avenue

96-359-A

Variances of Section 1BO2.3.C.1

Proposed Lot 1 to allow:

1. Minimum lot size of 6863 square feet in lieu of required 10,000 square feet
2. Minimum lot width of 49.92 feet in lieu of required 70 feet
3. Minimum side yard set back of 7 feet in lieu of required 10 feet
4. Minimum side yard setback of 8 feet in lieu of required 15 feet
5. Minimum sum of side yard setbacks of 15 feet in lieu of required 25 feet

✓ Proposed Lot 2 to allow:

6. Minimum lot size of 15,465 square feet in lieu of required 20,000 square feet
7. Minimum lot width of 69.88 feet in lieu of required 100 feet
8. Minimum front yard setback of 20 feet in lieu of required 40 feet
9. Minimum side yard setback of 4 feet in lieu of required 15 feet

357

MICROFILMED

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

February 27, 1996

**Zoning Description
118 Smithwood Avenue
Entire Parcel**

96-359-A

Beginning in the bed of Smithwood Avenue 260 feet, more or less, Southeasterly from the center of Edmondson Avenue, leaving the bed of Smithwood Avenue and running South 55 degrees 18 minutes 09 seconds West 321.08 feet, South 34 degrees 41 minutes 51 seconds East 69.88 feet and North 55 degrees 18 minutes 09 seconds East 318.00 feet to the bed of Smithwood Avenue, thence binding in the bed of Smithwood Avenue North 32 degrees 10 minutes 15 seconds West 69.94 feet to the place of beginning.

Containing 0.513 Acres of land, more or less.

Proposed Lot 1

Beginning in the bed of Smithwood Avenue 280 feet, more or less, southeasterly from the center of Edmondson Avenue, leaving the bed of Smithwood Avenue and running South 55 degrees 18 minutes 09 seconds West 122.00 feet, South 10 degrees 18 minutes 09 seconds West 30.00 feet, South 34 degrees 41 minutes 51 seconds East 28.66 feet and North 55 degrees 18 minutes 09 seconds East 141.01 feet to the bed of Smithwood Avenue, thence running in the bed of Smithwood Avenue North 32 degrees 10 minutes 15 seconds West 49.92 feet to the place of beginning.

Containing 0.158 of an Acre, more or less.

Proposed Lot 2 ✓

Beginning in the bed of Smithwood Avenue 260 feet, more or less from the center of Edmondson Avenue, thence leaving the bed of Smithwood Avenue and running South 55 degrees 18 minutes 09 seconds West 321.08 feet, South 34 degrees 41 minutes 51 seconds East 69.88 feet, North 55 degrees 18 minutes 09 seconds East 176.99 feet, North 34 degrees 41 minutes 51 seconds West 28.66 feet, North 10 degrees 18 minutes 09 seconds East 30.00 feet and North 55 degrees 18 minutes 09 seconds East 122.00 feet to the bed of Smithwood Avenue, thence running in the bed of Smithwood Avenue North 32 degrees 10 minutes 15 seconds West 20.02 feet to the place of beginning.

Containing 0.355 Acres, more or less.

This description is not for conveyance purposes and only fulfills the requirements of the Baltimore County Office of Zoning.

118Smithwd.zdc

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
96-359-A

District 1st

Date of Posting

Posted for: APRIL 23, 1996 HEARING

Petitioner: Timothy Moylan

Location of property: 118A Smithwood Ave

Location of Signer

Remarks:

Posted by

Signature

Date of return:

Number of Signs: 1

RECORDED

NOTICE OF HEARINGS

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Crosspike Avenue, in Towson, Maryland 21204 as follows:

Case #96-389-A
(Item 357)

1184 Southwood Avenue
SWS Southwood Avenue,
280' +/- SE of of Edmondson
Avenue

1st Election District

1st Councilmanic

Legal Owner(s):

Trinity Wayten

Variance: to allow minimum lot size of 15,465 square feet in lieu of the required 20,000 square feet, minimum lot width of 63.88 feet in lieu of the required 100 feet, minimum front yard setback of 20 feet in lieu of the required 40 feet, and minimum side yard setback of 4 feet in lieu of required 15 feet.

Hearing: Tuesday, April 23,
1996 at 2:00 p.m. in Rm. 106
County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.
(2) For information concerning the File and/or Hearing,
Please Call 887-3391.

4850 April 4 CH1972

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/4, 19 96

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/4, 19 96.

THE JEFFERSONIAN,

A. H. Emick
LEGAL AD. - TOWSON

RECEIVED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

System No. 358
+357
96-359

DATE 3-20-96 ACCOUNT R-001-6150

Site #118 & #118-A AMOUNT \$ 135.00
Smt. Hb. water, etc.

RECEIVED FROM: Timothy M. Maylan

010 - 28 Residential for water fees
080 - Sign & posting

FOR: _____

TRANSDUCER - UNIT 2491
Total \$135.00
100% Cash

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

TO: PUTUXENT PUBLISHING COMPANY
April 4, 1996 Issue of Jeffersonian

Please forward billing to:

Timothy Moylan
2123 Westchester Avenue
Baltimore, MD 21228
823-1800

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-359-A (Item 357)
118A Smithwood Avenue
SW/S Smithwood Avenue, 280' +/- SE of c/l Edmondson Avenue
1st Election District - 1st Councilmanic
Legal Owner: Timothy Moylan

Variance to allow minimum lot size of 15,465 square feet in lieu of the required 20,000 square feet, minimum lot width of 69.88 feet in lieu of the required 100 feet, minimum front yard setback of 20 feet in lieu of the required 40 feet, and minimum side yard setback of 4 feet in lieu of required 15 feet.

HEARING: TUESDAY, APRIL 23, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

MARCH 29, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-359-A (Item 357)
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HEARING: TUESDAY, APRIL 23, 1996 at 2:00 p.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Timothy Moylan
Keith R. Truffer, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 16, 1996

Mr. Keith R. Truffer, Esquire
Suite 600
102 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No.: 357
Case No.: 96-359-A
Petitioner: Timothy Moylan

Dear Mr. Truffer:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 5, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: April 5, 1996

FROM: *RWB* Robert W. Bowling, Chief
 Development Plans Review Division
 Department of Permits & Development
 Management

SUBJECT: Zoning Advisory Committee Meeting
 For April 8, 1996
 Item No. 357

 The Development Plans Review Division has reviewed the subject
zoning item. See our comments dated March 19, 1996 for Minor Subdivision
#96036M, Moylan Property.

RWB:HJO:jrb

cc: File

ZONE5E

RECORDED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 04/02/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APR. 01, 1996

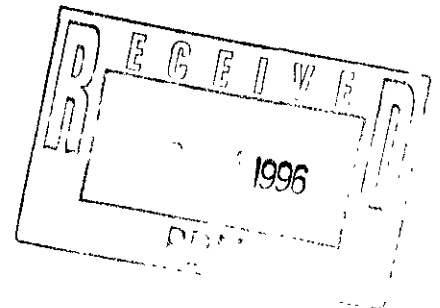
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 351, 352, 354, 355, 356,
357, 358, 359, 360 AND 361. *g*



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

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**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

3-29-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 357 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: March 28, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 352, 354, 356, 357, 358, 359, 360, and 361

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: _____

Jeffrey Long

Division Chief: _____

Edna L. Kerns

PK/JL

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 3-28-96

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: meeting of 4/1/96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 352

353

354

355

356

357 ✓

359

360

361

LS:sp

LETTY2/DEPRM/TXTSBP

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PETITION PROBLEMS

#353 --- JJS

1. Need original signature for legal owner.
2. Need original signature for contract purchaser.

#354 --- JRA

1. Receipt not given to petitioner - still in folder.

#356 --- JJS

1. No telephone number for legal owner.
2. Only 1 receipt for item #356 & 357.

#357 --- JJS

1. No telephone number for legal owner.
2. Only 1 receipt for item #357 & 356.

#358 --- JLL

1. No telephone number for legal owner.

#360 --- JJS

1. No zoning classification on petition form.

#361 --- JJS

1. No zoning classification on petition form.

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RE: PETITION FOR VARIANCE	*	BEFORE THE
118A Smithwood Avenue, SW/S Smithwood Ave,		
280' +/- SE of c/l Edmondson Avenue	*	ZONING COMMISSIONER
1st Election District, 1st Councilmanic	*	
	*	OF BALTIMORE COUNTY
Timothy Moylan		
Petitioner	*	CASE NO. 96-359-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of April, 1996, a copy of the foregoing Entry of Appearance was mailed to Keith R. Truffer, Esquire, Suite 600, 102 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

RE: PETITIONS FOR VARIANCE - SW/4
Smithwood Avenue, 260' & 280' SE
of the c/l Edmondson Avenue
(118 and 118-A Smithwood Avenue)
1st Election District
1st Councilmanic District
Timothy Moylan
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. 96-358-A & 96-359-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 2 -

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested variances. Testimony established that the subject property has been improved with two single family dwellings since prior to the effective date of the zoning regulations prohibiting more than one dwelling on a lot. Thus, strict compliance with the zoning regulations would result in a practical difficulty or unreasonable hardship for the Petitioner. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of May, 1996 that the Petition for Variance in Case No. 96-358-A, seeking relief from Section 1802.3.C.1 to permit a lot size of 6,863 sq.ft. in lieu of the required 10,000 sq.ft., a lot width of 49.92 feet in lieu of the required 70 feet, side yard setbacks of 7 feet and 8 feet in lieu of the required 10 feet and 15 feet, respectively, and a sum of the side yard setbacks of 15 feet in lieu of the required 25 feet, for the dwelling known as 118 Smithwood Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 96-359-A, seeking relief from Section 1802.3.C.1 to permit a lot size of 15,465 sq.ft. in lieu of the required 20,000 sq.ft., a lot width of 69.88 feet in lieu of the required 100 feet, a front yard setback of 20 feet in lieu of the required 40 feet, and a side yard setback of 4 feet in lieu of

- 3 -

the required 15 feet, for the dwelling known as 118-A Smithwood Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

TMK:bjs

Timothy M. Kotrocc
TIMOTHY M. KOTROCC
Deputy Zoning Commissioner
for Baltimore County

- 4 -

ORDER RECEIVED FOR FILING
Date 5/17/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/17/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/17/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/17/96
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 1, 1996

Keith R. Truffer, Esquire
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204

RE: PETITIONS FOR VARIANCE
SW/4 Smithwood Avenue, 260' & 280' SE of the c/l Edmondson Avenue
(118 and 118-A Smithwood Avenue)
1st Election District - 1st Councilmanic District
Timothy Moylan - Petitioner
Case Nos. 96-358-A & 96-359-A

Dear Mr. Truffer:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotrocc
TIMOTHY M. KOTROCC
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Timothy Moylan
2123 Westchester Avenue, Baltimore, Md. 21228

People's Counsel

File



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 118 SMITHWOOD AVENUE

96-358-A which is presently zoned DR2 & DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1802.3.C.1 Development for small lots (see attached)

lot in a DR zone of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) There are two existing dwellings on the site which need to be subdivided to meet current zoning regulations (only one dwelling is permitted on a lot) in a DR zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and one to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser, Lessee
(Type or Print Name)

Signature
(Type or Print Name)

Address

City State Zipcode

Signature
(Type or Print Name)

Address

City State Zipcode

Signature
(Type or Print Name)

Address

City State Zipcode

When do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

(Type or Print Name)

Signature
(Type or Print Name)

Address

City State Zipcode

Signature
(Type or Print Name)

Address

City State Zipcode

Signature
(Type or Print Name)

Address

City State Zipcode

Signature
(Type or Print Name)

Address

City State Zipcode

Signature
(Type or Print Name)

Address

City State Zipcode

Signature
(Type or Print Name)

Address

City State Zipcode

Signature
(Type or Print Name)

Address

City State Zipcode

Moylan Property - 118 Smithwood Avenue

Variances of Section 1802.3.C.1

Proposed Lot 1 to allow:

1. Minimum lot size of 6863 square feet in lieu of required 10,000 square feet
2. Minimum lot width of 49.92 feet in lieu of required 70 feet
3. Minimum side yard set back of 7 feet in lieu of required 10 feet
4. Minimum side yard setback of 8 feet in lieu of required 15 feet
5. Minimum sum of side yard setbacks of 15 feet in lieu of required 25 feet

Proposed Lot 2 to allow:

6. Minimum lot size of 15,465 square feet in lieu of required 20,000 square feet
7. Minimum lot width of 69.88 feet in lieu of required 100 feet
8. Minimum front yard setback of 20 feet in lieu of required 40 feet
9. Minimum side yard setback of 4 feet in lieu of required 15 feet

GORDON T. LANGDON
EDWARD F. DEACONLOH
BRUCE E. DOAK



GERHOLD, CROSS & ETZEL, LTD.
Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318
410-823-4470
FAX 410-823-4473

96-358-A
February 27, 1996

Zoning Description
118 Smithwood Avenue
Entire Parcel

Beginning in the bed of Smithwood Avenue 260 feet, more or less, southeasterly from the center of Edmondson Avenue, leaving the bed of Smithwood Avenue and running South 55 degrees 18 minutes 09 seconds West 321.08 feet, South 34 degrees 41 minutes 51 seconds East 69.88 feet and North 55 degrees 18 minutes 09 seconds East 318.00 feet to the bed of Smithwood Avenue, thence binding in the bed of Smithwood Avenue North 32 degrees 10 minutes 15 seconds West 69.94 feet to the place of beginning.

Containing 0.513 Acres of land, more or less.

Proposed Lot 1

Beginning in the bed of Smithwood Avenue 280 feet, more or less, southeasterly from the center of Edmondson Avenue, leaving the bed of Smithwood Avenue and running South 55 degrees 18 minutes 09 seconds West 122.00 feet, South 10 degrees 18 minutes 09 seconds West 30.00 feet, South 34 degrees 41 minutes 51 seconds East 28.66 feet and North 55 degrees 18 minutes 09 seconds East 141.01 feet to the bed of Smithwood Avenue, thence running in the bed of Smithwood Avenue North 32 degrees 10 minutes 15 seconds West 20.02 feet to the place of beginning.

Containing 0.158 of an Acre, more or less.

Proposed Lot 2

Beginning in the bed of Smithwood Avenue 260 feet, more or less from the center of Edmondson Avenue, thence leaving the bed of Smithwood Avenue and running South 55 degrees 18 minutes 09 seconds West 321.08 feet, South 34 degrees 41 minutes 51 seconds East 69.88 feet, North 55 degrees 18 minutes 09 seconds East 176.99 feet, North 34 degrees 41 minutes 51 seconds West 28.66 feet, North 10 degrees 18 minutes 09 seconds East 30.00 feet and North 55 degrees 18 minutes 09 seconds East 122.00 feet to the bed of Smithwood Avenue, thence running in the bed of Smithwood Avenue North 32 degrees 10 minutes 15 seconds West 20.02 feet to the place of beginning.

Containing 0.355 Acres, more or less.

This description is not for conveyance purposes and only fulfills the requirements of the Baltimore County Office of Zoning.

118Smithwzde

356

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: APRIL 23, 1996 HEARING
Posted for: Timothy Moylan
Petitioner: Timothy Moylan
Location of property: 118 Smithwood Ave
Location of Sign: _____
Remarks: _____
Posted by: _____ Date of return: _____
Number of Signs: _____

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/4, 1996
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/4, 1996.

THE JEFFERSONIAN.

A. Henrichsen
LEGAL AD. - TOWSON

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No. 356+357

Petitioner: TIMOTHY MOYLAN

Location: 118 SMITHWOOD AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: TIMOTHY MOYLAN

ADDRESS: 2123 WESTCHESTER AVENUE

BALTIMORE, MARYLAND 21228

PHONE NUMBER: _____

AJ:ggg

(Revised 04/09/93)

TO: PUTNENT PUBLISHING COMPANY
April 4, 1996 Issue - Jeffersonian

Please forward billing to:
Timothy Moylan
2123 Westchester Avenue
Baltimore, MD 21228
822-1600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

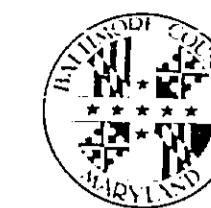
CASE NUMBER: 96-356-A (Item 356)
118 Smithwood Avenue
300' S. of c/o Edmondson Avenue
1st Election District - 1st Councilmanic
Legal Owner: Timothy Moylan

Variance to allow minimum lot size of 6,862 square feet in lieu of the required 10,000 square feet, minimum lot width of 49.92 feet in lieu of the required 70 feet, minimum side yard setback of 7 feet in lieu of the required 10 feet, minimum side yard setback of 8 feet in lieu of the required 15 feet, and minimum side yard setbacks of 15 feet in lieu of the required 25 feet.

HEARING: TUESDAY, APRIL 23, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHWARTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 29, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-358-A (Item 358)
118 Smithwood Avenue
300' S. of c/o Edmondson Avenue
1st Election District - 1st Councilmanic
Legal Owner: Timothy Moylan

Variance to allow minimum lot size of 6,862 square feet in lieu of the required 10,000 square feet, minimum lot width of 49.92 feet in lieu of the required 70 feet, minimum side yard setback of 7 feet in lieu of the required 10 feet, minimum side yard setback of 8 feet in lieu of the required 15 feet, and minimum side yard setbacks of 15 feet in lieu of the required 25 feet.

HEARING: TUESDAY, APRIL 23, 1996 at 2:00 p.m. in Room 106, County Office Building.

ARNOLD JABLON
Director

cc: Timothy Moylan
Keith R. Truffer, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 16, 1996

Mr. Timothy Moylan
2123 Westchester Avenue
Baltimore, MD 21228

RE: Item No.: 356
Case No.: 96-358-A
Petitioner: Timothy Moylan

Dear Mr. Moylan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 4, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: April 5, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
Fyr April 5, 1996
Item No. 356

The Development Plans Review Division has reviewed the subject zoning item. See our comments dated March 19, 1996 for Minor Subdivision #96036M, Moylan Property.

RWB:HJO:jrb

cc: File

ZONE5D

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 04/02/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APR. 01, 1996

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 351, 352, 354, 355, 356, 357, 358, 359, 360 AND 361.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File
Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 356 (355)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

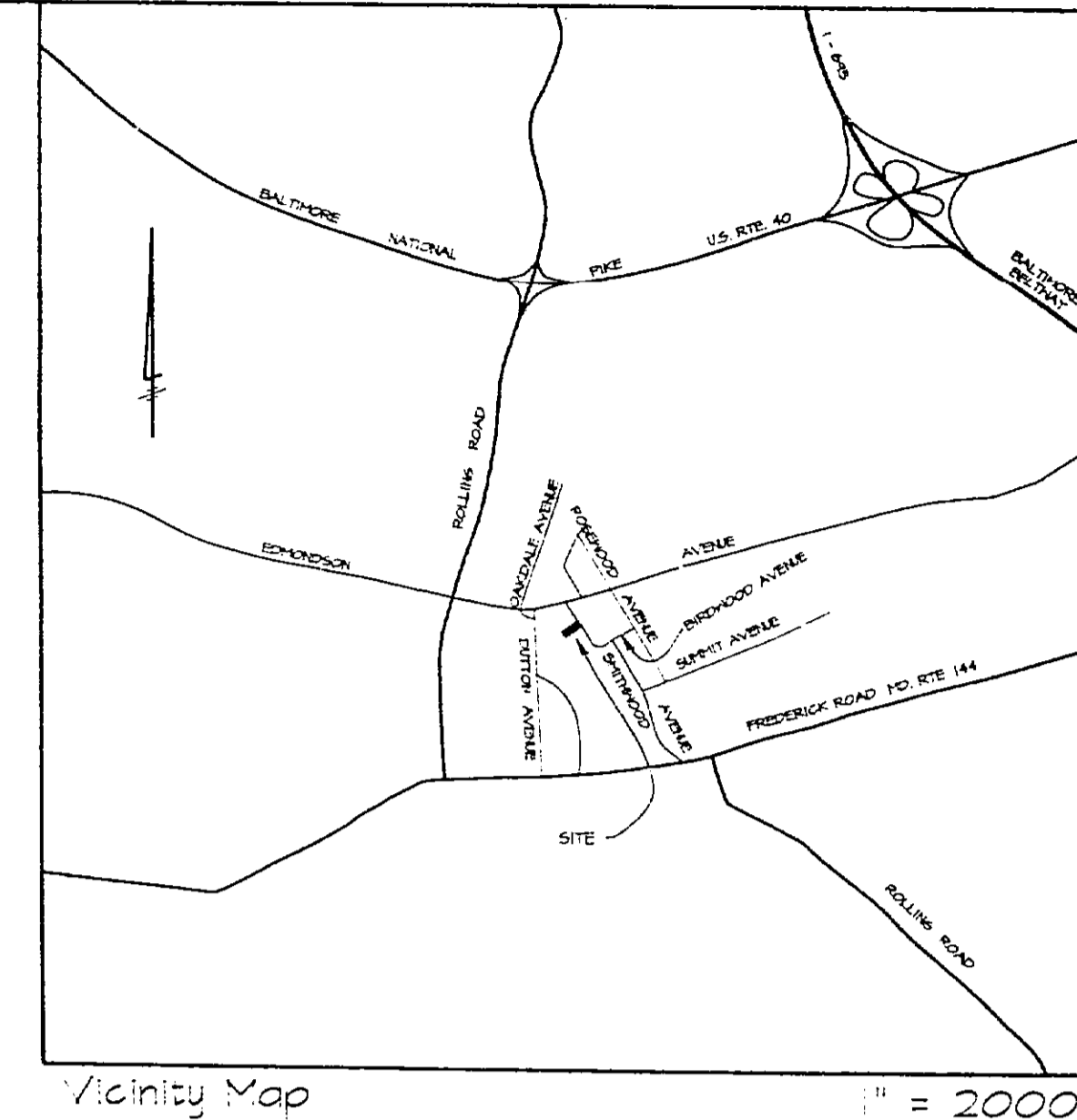
Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

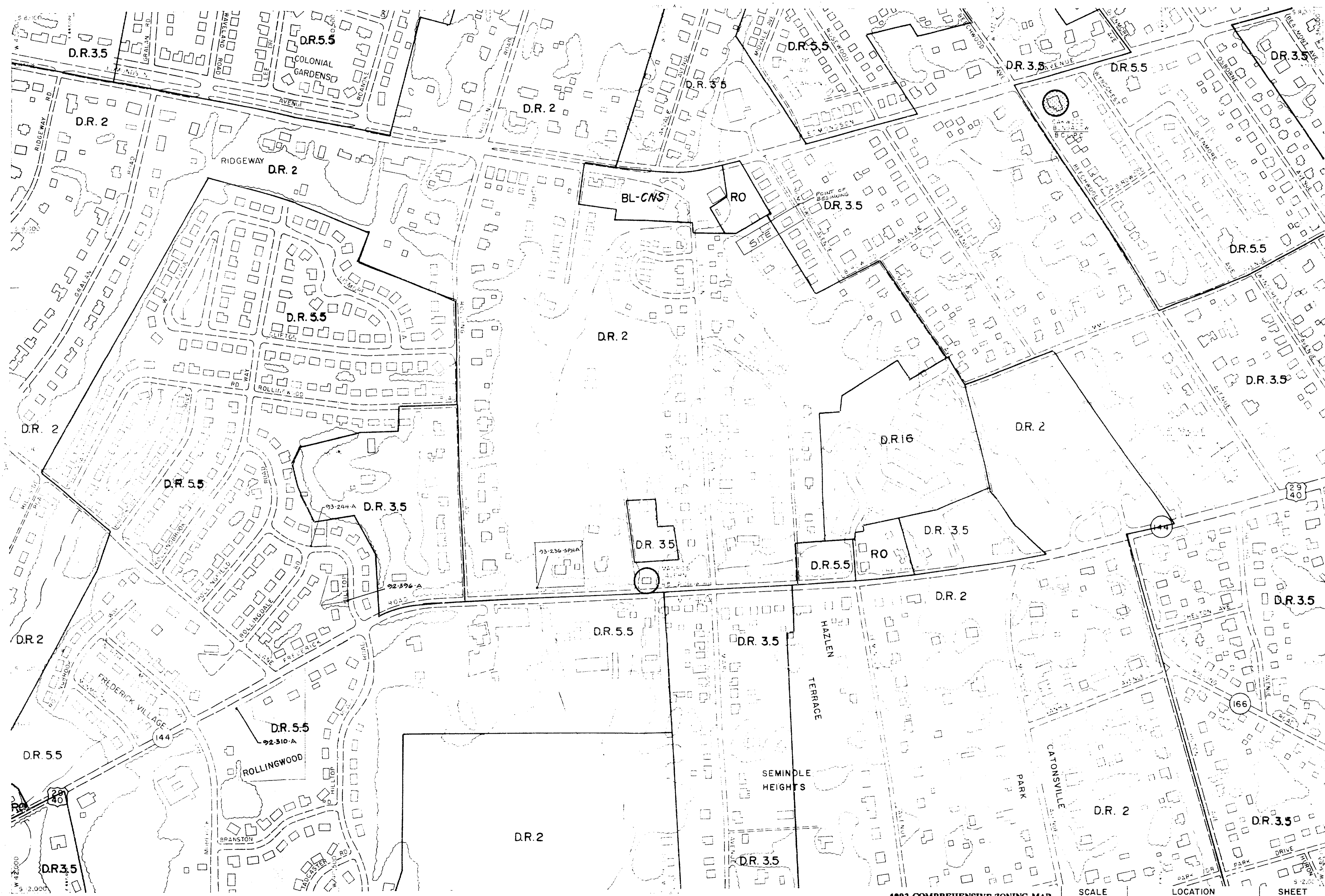
BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

 Printed with Soybean Ink
on Recycled Paper



3-8-96	REVISIONS & ADDITION
DATE	REVISION



H-NE
H-SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William A. Howard
Chairman, County Council

SCALE
1" = 200'
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
CATONSVILLE
S.W.
3-G

96-358-A³⁵⁶